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APPLICATION NO	D.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/680,286		10/06/2000	Eric N. Paton	ENP-101	ENP-101 8985	
24117	7590	04/05/2004		EXAMINER		
ERIC PA	TON		NOLAND, THOMAS			
498 RIO GRANDE CT MORGAN HILL, CA 95037 ART UNIT PAP				PAPER NUMBER		
MORGA	, inde,	011 73037		2856		
				DATE MAIL FD: 04/05/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Nation of Abandanmant	09/680,286	PATON, ERIC	N.
Notice of Abandonment	Examiner	Art Unit	
	Thomas P. Noland	2856	
The MAILING DATE of this communication ap	pears on the cover sheet with the c	orrespondence ad	dress
This application is abandoned in view of:			
 Applicant's failure to timely file a proper reply to the Office A reply was received on (with a Certificate of period for reply (including a total extension of time of 	Mailing or Transmission dated month(s)) which expired on _), which is after the	
(b) ⊠ A proposed reply was received on <i>Nov. 17, 2003</i> *, t rejection.	out it does not constitute a proper repl	y under 37 CFR 1.1	113 (a) to the final
(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely file Continued Examination (RCE) in compliance with 37	d Notice of Appeal (with appeal fee);		
(c) ☐ A reply was received on but it does not consti final rejection. See 37 CFR 1.85(a) and 1.111. (See		empt at a proper rep	oly, to the non-
(d) ☐ No reply has been received.			
2. Applicant's failure to timely pay the required issue fee are from the mailing date of the Notice of Allowance (PTOL-	85).		
(a) The issue fee and publication fee, if applicable, wa), which is after the expiration of the statutory Allowance (PTOL-85).	period for payment of the issue fee (al	nd publication fee)	set in the Notice of
(b) ☐ The submitted fee of \$ is insufficient. A balance			
The issue fee required by 37 CFR 1.18 is \$		CFR 1.18(d), is \$_	 •
(c) ☐ The issue fee and publication fee, if applicable, has i	not been received.		
3. Applicant's failure to timely file corrected drawings as rec Allowability (PTO-37).			
 (a) ☐ Proposed corrected drawings were received on after the expiration of the period for reply. 	(with a Certificate of Mailing or Trai	nsmission dated), which is
(b) ☐ No corrected drawings have been received.			
4. The letter of express abandonment which is signed by the applicants.	ne attorney or agent of record, the ass	signee of the entire	interest, or all of
5. The letter of express abandonment which is signed by a 1.34(a)) upon the filing of a continuing application.	n attorney or agent (acting in a repres	sentative capacity ι	ınder 37 CFR
6. The decision by the Board of Patent Appeals and Interferon of the decision has expired and there are no allowed class		se the period for se	eking court review
7. The reason(s) below:			
* Responded to in Advisory mailed Feb. 12, 2004.			
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withd minimize any negative effects on patent term.	raw the holding of abandonment under 37	CFR 1.181, should b	e promptly filed to
U.S. Patent and Trademark Office PTOL-1432 (Rev. 04-01) Notice	of Abandonment	Part of Part	aper No. 04022004

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1. Since no time remains for applicant to obtain an extension of the period for reply by filing a petition under 37 CFR 1.136(a), this application is *abandoned*. Applicant is advised that the abandonment of this application may only be overcome by filing a petition to revive under 37 CFR 1.137. A petition to revive may be appropriate if applicant's failure to reply was either unavoidable or unintentional, as set forth below.

A. Failure to reply was unavoidable.

A petition to revive an abandoned application on the grounds that the failure to reply was unavoidable (37 CFR 1.137(a)) must be accompanied by: (1) the required reply; (2) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (3) the \$55.00 petition fee as set forth in 37 CFR 1.17(I). No consideration to the substance of a petition will be given until this fee is received.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable, as well as inadvertent. This must include: (1) a satisfactory showing that the cause of the delay resulting in failure to reply in timely fashion to the Office action was unavoidable; and (2) a satisfactory showing that the cause of any delay during the time period between abandonment and filing of the petition to revive was also unavoidable.

B. Failure to reply was unintentional.

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A petition to revive an abandoned application on the grounds that the failure to

reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required

reply; (2) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was

unintentional; and (3) the \$665.00 petition fee as set forth in 37 CFR 1.17(m). No

consideration to the substance of a petition will be given until this fee is received. The

Director may require additional information where there is a question whether the delay

was unintentional.

The required items and fees must be submitted promptly under a cover letter

entitled "Petition to Revive."

Further correspondence with respect to this matter should be addressed as

follows:

By mail:

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By FAX:

(703) 308-6916

Attn: Office of Petitions

By hand:

Crystal Plaza 4, Room 3C23

2201 South Clark Place

Arlington, VA 22202

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Telephone inquiries with respect to this matter should be directed to the Office of Petitions Staff at (703) 305-9282. For more detailed information, see MPEP § 711.03(c).

2. Upon revival any inquiry concerning earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Thomas P. Noland Primary Examiner Art Unit 2856

Um held

tpn April 2, 2004